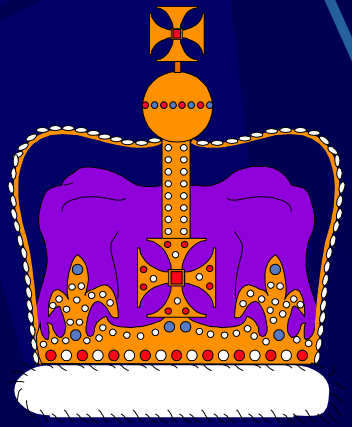
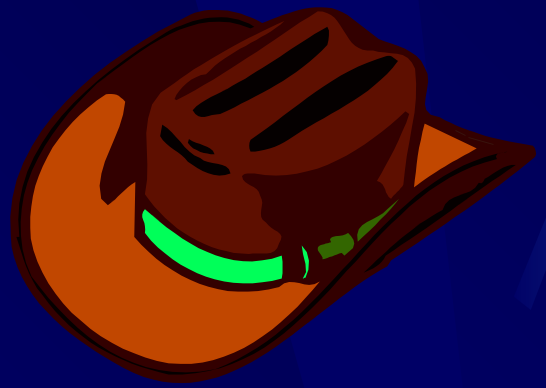
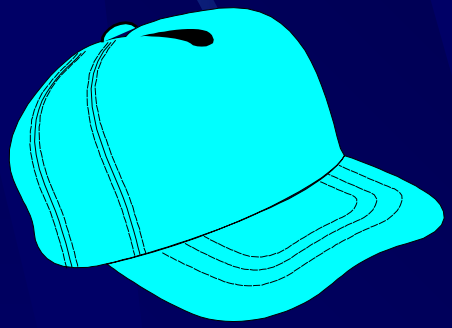
Business Relations (AMSFS-GC)

Competition Advocate



Command Ombudsman





Partnering with

Commercial Item

AFSC/JMC Competition and the Justification & Approval Process

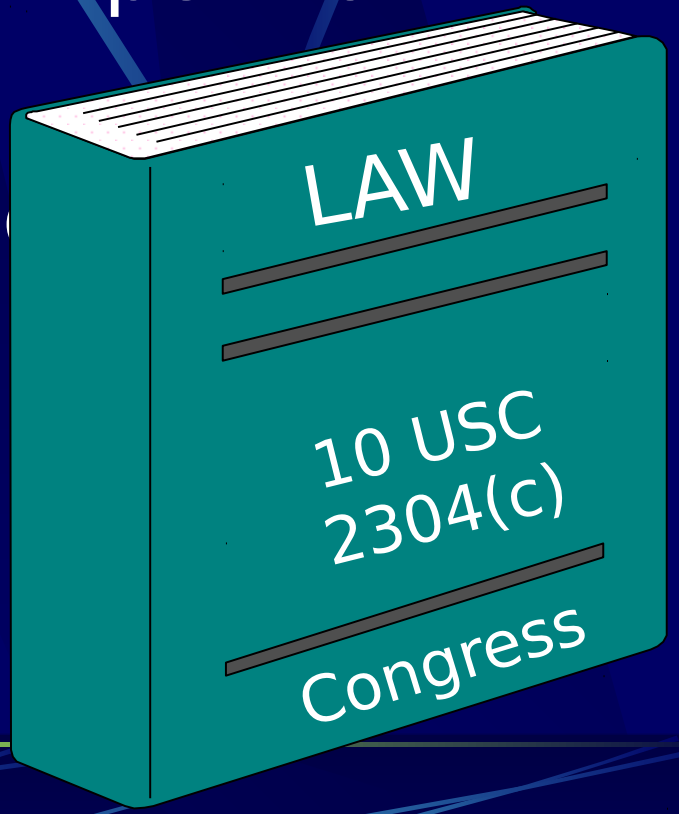
Pam DeMaught
AMSFS-GC
Ext. 27287

Government Procurements “Should” Be Full and Open

It's the Law!!

Competition In Contracting Act (CICA)

- Buys: Full and Open competition
- 7 Exceptions
- J&As: Approval require
- Competition Advocate



Exception to Full and Open Competition

(1) - Sole Source
(2) - Urgency
(3) - Mobilization

(4) - International Agreement
(5) - Authorized or Required by Statute
(6) - National Security
(7) - Public Interest

The J&A

- Defense for Government action
  - NOT merely a paper exercise
- Standard format
  - NOT standard boilerplate
- Tailored to the buy
  - Contains pertinent supporting information
- Senior level certification
  - Data/information/rationale
- Legal review
- Authority approval

Key Info in J&As
To Support Action

- Para 5: Reason for Authority Cited
  - Analysis and rationale for proposed action
- Para 7: Actions to Increase Competition
  - What is being done to remove the restriction (“It’s the Law!!”)
- Para 8: Market Research
  - No waivers/continuous
  - Validates your course of action

Sole Source/Limited Sources Exception 1

- Lack of a competitive TDP
  - Unique capabilities/expertise
  - Status of competitive TDP, SOW, purchase description
  - TDP responsibility
  - Cost benefit analysis (for competitive (U.S.) TDP)
  - RDD/impact or harm if not met
  - Buy quantity to support immediate need

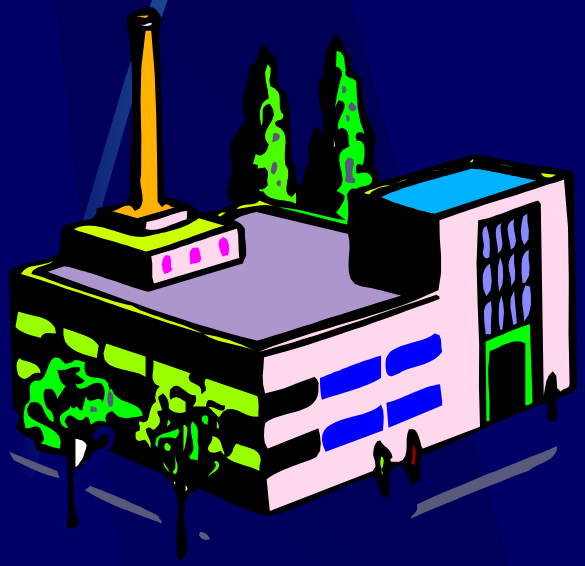
Sole Source/Limited Sources Exception 1

- Follow-on to original contract
  - Duplication of cost
    - How was original contract awarded
    - Cost assessment
  - Unacceptable delays
    - How was original contract awarded
    - RDD/impact or harm if not met
    - Buy quantity to support immediate need

Urgency
Exception 2

- Drop dead date
- Specific harm to Government if RDD not met
- Date requirement first known
- Circumstances leading to emergency
- Can contractor meet RDD
- Avoidance of similar occurrence
- Buy only quantity to support urgency

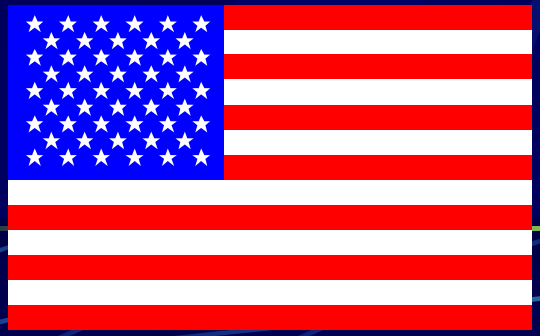
Industrial Mobilization
Exception 3



- Critical facilities
  - 806 Certification
  - Defense Industrial Capabilities Assessment (DICA)
  - Critical/skills, processes, facilities
  - Cost to replace facilities
  - Analysis of quantity to restrict

Industrial Mobilization
Exception 3

- United States and Canada
  - 806 Certification
  - DICA
  - Critical military technology
  - Analysis of quantity to restrict



Lessons Learned

- Customer says it’s urgent – may not be good enough
- Partial quantities may be all that we can restrict (urgency & sole source)
- Urgency does not necessarily mean sole source
- RDDs cannot be blindly accepted (sole source)
- Synopsize early – you can change your mind later
- Delight customers by helping them do what is right
- Involve AMSFS-GCB early in planning cycle; e.g., AIPTs

Bottom Line

- When restricting competition – ASAP:
  - Talk to AMSFS-GC
    - Pam DeMaught, ext. 27287

    Educate your customers
  - Perform Market Research (synergize)

AMSFS-GC

Business Relations

Business Relations contains the following personnel:

Mr. Gregory Kwinski - Special Competition Advocate/Ombudsman

Ms. Pam DeMaught - Senior Procurement Analyst/Alternate

Competition Advocate

Mr. Dennis Durham - Procurement Analyst

Mr. Marc Lemon - Procurement Analyst

Ms. Veronica Walton - Program Analyst

REGULATION REFERENCES FOR AMSFS-GC

FAR PART 6 COMPETITION REQUIREMENTS

FAR PART 7 ACQUISITION PLANNING

FAR PART 10 MARKET RESEARCH

FAR PART 12 COMMERCIAL ITEMS

Here is a URL address you can use to obtain access to the Federal Acquisition Regulation (FAR), (DFARS), (AFARS):

http://dasapp.saalt.army.mil/

Once there you can find the Regulations on the left side .